

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KYLE J. MCDONALD,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:19CV312

**MEMORANDUM
AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus ([filing no. 1](#)) and a Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at [filing no. 7](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See 28 U.S.C. § 1915(a)(1)*.

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

Dated this 15th day of August, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge